SUBJECT NO. 30.

Increase of pay to clerks of civil courts.

Messrs. S. R. Balakrishna Rao and Venkappiah, Shimoga municipality, K. Shankaranarayana Rao, Nagar Sabha, K Ramanna, Hole-Narsipur taluk, J. Subba Rao, Krishisilpabhi Vardhaka Samaj, Chitaldrug, and M. B. Krishna Rao, Chitaldrug municipality.

Summary of discussion.—The scale of pay of these officials was fixed more than 30 years ago. While there was a slight revision in the scale of pay of the ministerial staff in other departments, the scale of pay of ministerial establishment, amins and process servers of civil courts, remains as it was. It is prayed that the same may be revised in conformity with the present altered conditions.

Reply of Government.—Under consideration.

SUBJECT NO. 31.

Chambers for advocates and pleaders.

Mr. C. Krishnamurti, Law Association, Bangalore.

Summary of discussion.—Chambers for advocates and pleaders in civil court buildings may be provided.

Mr. C. Krishnamurti stated that what was wanted was a set of rooms to be set apart for advocates, each advocate or pleader to have the use of one room, on payment of rent as is done in Madras and Bombay.

Reply of Government.—Mainly a question of funds. Will be considered, if a memo is sent showing how many advocates would use the chambers and what rent they would pay.

SUBJECT NO. 32.

Appointment of Honorary Bench Magistrates.

Messrs. Abdur Rahim, Chikmagalur municipality, Chik Ramanna and Girmaji Rao, Kolar taluk.

Summary of discussion.—Appointment of Honorary Bench Magistrates in all the remaining six districts is necessary.

The Dewan asked Mr. Girmaji Rao to send a list of qualified men fit to be Honorary Magistrates in Kolar.

Reply of Government.—Courts will be established wherever proper men are found to be available.

SUBJECT NO. 33.

Separation of judicial from the executive,

(1) Messrs. C. Krishnamurti, Law Association, Bangalore, H. K. Veerabasaviah, Lingayet Education Fund Association, Bangalore, Dhalappa, Ramaswamiengar and Narasimiah, Anekal taluk; B. Narasinga Rao, Seringapatam taluk; Padmanna and K. Venkatasamaiya, Nanjangud taluk; and C. Vasudeva Rao, Chikmagalur taluk.

(2) Messrs. Mohamed Raza and S. Ramanna, Hassan municipality, H. V. Rangaswami, Hassan taluk, and S. Venkatesayya, Hassan District Agricultural and Industrial Association.

(3) Mr. S. R. Balakrishna Rao, Shimoga municipality.

(4) Messrs. Shankaranarayana Rao, Nagar Sabha, and B. Venkatasamanna, Chitaldrug municipality.

Summary of discussion.—(1) The judicial (criminal) and the executive functions deserve to be separated. The question of cost cannot stand close examination, for the cost involved may be minimized by investing Munsiffs with magisterial powers wherever possible. Even if the cost involved be of some magnitude, it is nothing compared with the boon that it brings to the public and the extent to which it goes to purify the administration of justice. As a preliminary step in this direction, the Amildars may be divested of their magisterial powers. This prayer has been urged for a long time and the sooner it is granted the better.

(2) It is prayed that the separation of the executive and the judicial service in the State be placed on some definite footing.

The policy of separation of the functions already initiated by Government as necessary and desirable may be continued and developed in a sympathetic spirit.

(3) A beginning may be made in this direction by appointing stationary magistrates for groups of two or three taluks divesting at the same time the Amildars of these taluks of their magisterial powers. Assistant Commissioners of less than 10 years' standing ought not to be invested with first class magisterial powers.

(4) The Amildars cannot find sufficient time to attend to the magisterial work on account of heavy work in the Revenue, Police, Excise, Sanitary and other departments and parties are put to much inconvenience on account of frequent adjournments of criminal cases. It is therefore prayed that steps may be taken to divest the Amildars of their magisterial powers and appoint stationary magistrates to attend to criminal work.

Mr. C. Krishnamurti.—This is an old question. The experiment was tried in certain places but has recently been abandoned. One suggestion is that appeals from 2nd and 3rd Class Magistrates should go to Munsiffs and Sub-Judges.

1st Councillor.—In that case, how will the District Magistrate exercise control?

Mr. H. K. Veerabasaviah suggested that the Amildars should at least be divested of police powers.

1st Councillor said that this was considered carefully, but was not accepted by Government.

Reply of Government.—The general question is under the consideration of Government.

SUBJECT No. 34.

Suits against Government.

Mr. H. Narasinga Rao, Bar Association, Mysore.

Summary of discussion.—Suits against Government may be allowed as is done in some important Native States in India.

Reply of Government.—Noted.

SUBJECT No. 35.

Judicial officers to be appellate authorities over 2nd and 3rd Class Magistrates.

Mr. K. S. Santanam Iyengar, Closepet municipality.

Summary of discussion.—Munsiffs, Sub-Judges and District Judges should be made the appellate authorities over the decisions of the 2nd and 3rd Class Magistrates and not the Deputy Commissioners and District Magistrates as at present, who have executive control over the Amildar Magistrates.

Reply of Government.—Not necessary.

SUBJECT No. 36.

Entertainment of second appeals in Chief Courts of civil cases involving property valued Rs. 500.

Messrs. Padmanna and K. Venkatasamia, Nanjangud taluk.

Summary of discussion.—It is prayed that orders be passed regarding the entertainment of second appeals by the Chief Court in all civil suits involving property more than Rs. 500 in value.

Mr. Padmanna.—At present, there is no second appeal on concurrent findings of fact. Second appeal may